

Application No. 10/751,298
Amendment dated May 13, 2008
Reply to final Office Action of March 5, 2008

Remarks/Arguments:

This Amendment adds no new claims, and is provided to cancel claim 6, and amend claims 5, 7, 24, 33, 41, 49, 51, 52 and 61. No new matter has been added. Upon entry of this Amendment, claims 5 and 7-18 will be pending. Claim 5 is independent.

Claims

The Applicants have amended claims 24, 33, 41, 49, 51, 52 and 61 to correct typographical errors only.

Rejections of the Claims under 35 U.S.C. 103

The Examiner has rejected claims 5-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0168178 of Rodriguez et al. (hereinafter Rodriguez) in view of U.S. Patent No. 5,684,998 of Enoki et al. (hereinafter Enoki).

Specifically, regarding claim 5, the Examiner points to Rodriguez as disclosing the claimed invention with the exception of the detection of the power off command and the subsequent detection of temporarily recorded image/sound signals in the temporary recording area. The Examiner points to Enoki as disclosing such detection, purportedly rendering obvious the invention as recited by the Applicants in independent claim 5.

The Rodriguez reference describes a system and method for resource management at a digital home communication terminal device (DHCT), or set-top box. The system and method provides for a degree of priority establishment based on factors, such as download durations. Media content can be parsed and include header identification when stored in a storage device, which allows identification of the content for later retrieval (see 373 of Fig. 3A, and paragraphs 54 and 60). The storage device can include a first and second hard disk that can be divided into sectors by the storage device controller (see Fig. 3C, and paragraph 80). A file allocation table is created in each of the hard disks to store cluster and file information. The data is stored to the buffer spaces TSB of each disk, and is then either deleted or retained in permanent storage of each disk (see Fig. 4, and paragraphs 85 and 86).

The Examiner points to Enoki in view of Rodriguez as disclosing the detection of a power off command and the subsequent detection of temporarily recorded image/sound signals in a temporary recording area, in addition to the permanent storage and re-allocation of clusters described by Rodriguez.

The Enoki reference describes a system and method for controlling a computer system when a power off signal is received. A control unit is provided to determine a program status when a power off signal is received and a decision is made as to the storage of the program. To do so, the system and method provides a system status preserving unit 3002 which takes control when a power off is initiated. The preserving unit 3002 then stores the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in a PSW field, CPU register field, memory field, and control unit register field of a preserving hard disk, respectively (see Fig. 10, and col. 9, lines 62-67, to col. 10, lines 1-17).

In response to the Applicants' earlier arguments, the Examiner asserts that the Rodriguez reference does disclose separate steps for first temporarily recording data in a temporary recording area of the HDD (reference made to Rodriguez paragraph 85), and then recording the temporarily recorded data in non-recorded portions of a long-term recording area (reference made to Rodriguez paragraph 86). Specifically, the Examiner asserts that the Rodriguez reference describes storing data to first one area (buffer clusters) and then to a second area (non-buffer clusters).

The Rodriguez reference describes a system and method wherein data can be received and stored in two manners. In a first manner, data can be received first in a time shift buffer (TSB), and then retained as a permanent recording if desirable to do so, and stored in non-buffer clusters. In a second manner, data can be received first in a TSB and then, the TSB can be re-configured from TSB clusters into permanent recording clusters (non-buffer clusters). In this case, the data is received in the TSB and then, the TSB is re-configured from temporary storage to permanent storage without further movement of the data (see paragraph 86).

The Examiner asserts that, in addition to the storage system and method of Rodriguez, the system and method of Enoki further discloses the detection of a power off command and

the subsequent detection of temporarily recorded image/sound signals in the temporary recording area and in response, the recording of the temporarily recorded image/sound signals and attribute information in non-recorded portions of the long-time period recording area of the HDD if there are temporarily recorded image/sound signals and attribution information in the temporary recording area of the HDD.

As noted above, the Enoki reference describes a system and method to store the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in a PSW field, CPU register field, memory field, and control unit register field of a preserving hard disk, respectively. The Enoki reference describes a system and method of *complete content preservation* at power off by storing *all of the contents* of the PSW and CPU, the memory, and all data needed to resume the system status, in a preserving hard disk, *without distinction* of what is identifiable as temporarily stored data to be stored in a longer-period area. That is, the Enoki reference simply describes the storage of all the contents of the PSW and CPU, the memory, and all data needed to resume the system status at a power off signal (see col. 9, lines 65-67 to col. 10, lines 17). There is no disclosure of the steps for identifying and storing in a permanent manner only temporarily recorded data in response to a power off signal as recited by the Applicants in claim 5. That is, Applicants' independent claim 5 recites, *inter alia*, the identification and then selective storage of temporarily recorded image/sound signals and attribution information found in the temporary recording area of the HDD. Such identification and then selective storage of temporarily recorded data is not disclosed by either the Rodriguez or Enoki references. As noted above, the Enoki reference describes a system and method of storing all of the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in a preserving hard disk, without distinction. Further, the Rodriguez reference does not describe any system and method for such a distinction and selective storage in response to a power off signal.

The Applicants' independent claim 5 recites, *inter alia*, the recordation of the image/sound signals and attribute information in different portions of the long-time period recording area. This is not new matter, and is supported by the specification as originally filed (see for example, page 15, lines 13-17, page 18, lines 18-26, and page 19, lines 10-17).

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This allows more efficient use of the HDD. Such recordation of the temporarily recorded data to different portions of the long-time period recording area is not disclosed by the Rodriguez and Enoki references. As noted above, the Rodriguez reference describes a system and method wherein data can be received and stored in two manners. In a first manner, data can be received first in a time shift buffer (TSB), and then retained as a permanent recording if desirable to do so, and stored in non-buffer clusters. In a second manner, data can be received first in a TSB and then, the TSB can be re-configured from TSB clusters into permanent recording clusters (non-buffer clusters). However, neither manner describes the storage to different portions of the long-time period recording area. Further, the Enoki reference describes the storage of all of the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in the preserving hard disk. However, as with the Rodriguez reference, there is no disclosure in the Enoki reference of the storage of the data contents to different portions of the long-time period recording area.

Accordingly, as the Rodriguez and Enoki references do not disclose or reasonably suggest, separately or in combination, each element of Applicants' independent claim 5 as amended, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a).

Regarding claims 6-15, the Examiner, in addition to the reasons stated above, further points to Rodriguez as disclosing steps for generating and recording attribute information, purportedly rendering obvious the invention as recited by the Applicants in claims 6-15.

The Applicants have cancelled claim 6 as substantially duplicating the matter of claim 5 as amended, and have amended claim 7 to correct antecedent basis only.

Further, for the reasons stated above, the Applicants assert that neither the Rodriguez nor Enoki references disclose or reasonably suggest, separately or in combination, each element of Applicants' claim 5 as amended, from which claims 7-15 depend. Accordingly, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claims 7-15 for the same reasons.

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Regarding claims 16-18, the Examiner, in addition to the reasons stated above, further points to Enoki as disclosing steps for performing a power off function, purportedly rendering obvious the invention as recited by the Applicants in claims 16-18.

However, for the reasons stated above, the Applicants assert that neither the Rodriguez nor Enoki references disclose or reasonably suggest, separately or in combination, each element of Applicants' claim 5 as amended, from which claims 16-18 depend. Accordingly, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claims 16-18 for the same reasons.

Conclusion

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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